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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/698,867	10/30/2003	George Paskalov	100798.0008US1	2026
24392 7590 01/15/2008 FISH & ASSOCIATES, PC ROBERT D. FISH 2603 Main Street Suite 1050 Irvine, CA 92614-6232			EXAMINER WONG, EDNA	
			ART UNIT 1795	PAPER NUMBER
			MAIL DATE 01/15/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
10698867	10/30/03	PASKALOV ET AL.	100798.0008US1

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EXAMINER

Edna Wong

ART UNIT	PAPER
1795	20080112

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner for Patents

RE: REPLY BRIEF

The reply brief filed January 9, 2008 has been entered and considered. The application has been forwarded to the Board of Patent Appeals and Interferences for decision on the appeal.

Edna Wong
Primary Examiner
Art Unit: 1795

Response to Appellant's Reply Brief

This is in response to the Reply Brief dated January 9, 2008. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office Action.

Old Rejections

A. Rejection of Claims 12-20 Under 35 U.S.C. § 112, First Paragraph, as Failing to Comply with the Written Description Requirement.

Applicants state that one of ordinary skill in the art would understand the inventors to have possession of the claimed invention at the time the application was filed.

Applicants state that as the Applicants previously stated, literal basis is not the proper test.

In response, the claims shall be construed to cover the corresponding structure, material, or acts described in the specification and equivalents thereof. Just because the disclosure of the parent Application Serial No. 10/432,208 provides support for a claim element does not mean that the UPSTO cannot enforce its requirement that the terms and phrases used in the claims find clear support or antecedent basis in the present written description.

B. Rejection of Claims 15-17 and 20 Under 35 U.S.C. § 112, Second

Paragraph.

Applicants state that the Examiner is applying the wrong test. The test for definiteness under 35 U.S.C. § 112, second paragraph, is whether “those skilled in the art would understand what is claimed when the claim is read in light of the specification.” *Orthokinetics, Inc. v. Safety Travel Chairs, Inc.*, 806 F.2d 1565, 1576, 1 USPQ2d 1081, 1088 (Fed. Cir. 1986).

In response, it is well settled that unpatented claims are given the broadest, most reasonable interpretation and that limitations are not read into the claims without a proper claim basis therefor. *In re Prater* 415 F. 2d 1393, 162 USPQ 541 (CCPA 1969); *In re Zeltz* 893 F. 2d 319, 13 USPQ 1320.

Applicants' claim limitation of “treating the waste at a rate of at least 20 l/hr” reads on any kind of waste treatment. The scope of the “treating” as presently claimed is open and endless.

New Rejections

C. Rejection of Claims 12-14 Under 35 U.S.C. § 102(b).

Applicants state that looking at Fig 1 of Laroussi, the water (labeled 110) is directly subjected to the plasma (labeled 120). Additionally, reference character 5 does not show a “closed container” as the Examiner argued. (See Supplemental Examiner's Answer P 8) The top of the container is obviously open, as shown by the waves of plasma 120 entering the top of the container.

In response, Laroussi shows in Fig. 1, a particulate shaded region which is the plasma irradiation. The particulate shaded region does not go into the container 5 because the "water in" and "water out" space flow is clear of the particulate shaded region:

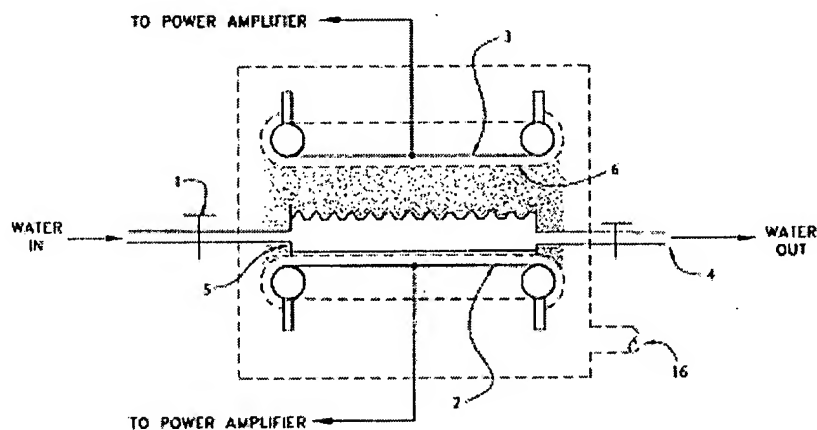


FIG. 1

Thus, Laroussi teaches a closed container where Applicants' claim limitation of "without subjecting the waste directly to a plasma generated by the RF plasma wave generator" is met.

D. Rejection of Claims 15-20 Under 35 U.S.C. § 103(a)

Applicants state that on pages 8-12 of the Supplemental Examiner's Answer, the Examiner brought up new 103 rejections. However, these are previous rejections that were already presented by the Examiner in the Office Action dated March 26, 2007, and were already withdrawn in the Examiner's Office Action dated August 8, 2007.

Withdrawn rejections can not be revived under the guise of a "new rejection."

In response, the Examiner's Office Action dated March 26, 2007 were over the original claims dated February 13, 2007 and not over the previously presented claims dated September 26, 2007. Thus, the present claim rejections in the Examiner's Answer are not withdrawn rejections but are new rejections because claims rejections were never made on the previously presented (amended) claims dated September 26, 2007.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Edna Wong whose telephone number is (571) 272-1349. The examiner can normally be reached on Mon-Fri 7:30 am to 4:00 pm.

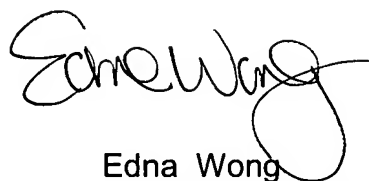
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nam Nguyen can be reached on (571) 272-1342. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information

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system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

A handwritten signature in black ink, appearing to read "Edna Wong". The signature is fluid and cursive, with the first name "Edna" and last name "Wong" clearly distinguishable.

Edna Wong
Primary Examiner
Art Unit 1795

EW
January 12, 2008